

AN ACT

RELATING TO PIPELINE SAFETY; PROVIDING FOR SAFETY OF
INTRASTATE PIPELINES; AMENDING SECTIONS OF THE NMSA 1978.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 19-7-57 NMSA 1978 (being Laws 1912,
Chapter 82, Section 53, as amended) is amended to read:

"19-7-57. COMMISSIONER-- POWERS-- EASEMENTS-- RIGHTS OF
WAY.--The commissioner may grant rights of way and easements
over, upon or across state lands for public highways,
railroads, tramways, telegraph, telephone and power lines,
irrigation works, mining, logging and other purposes upon
payment by the grantee of the price fixed by the
commissioner, which shall not be less than the minimum price
for the lands, used, as fixed by law. The commissioner may
grant a right of way or easement over, upon or across state
lands for oil, hazardous liquid and gas pipelines if the
right-of-way grant or easement requires compliance with the
Pipeline Safety Act, Section 70-3-11, *et seq.*, NMSA 1978, and
rules adopted pursuant to that act and provides for
regulatory and agencies' access to records of compliance."

Section 2. Section 70-3-13 NMSA 1978 (being Laws 1969,
Chapter 71, Section 3) is amended to read:

"70-3-13. POWERS AND DUTIES OF COMMISSION.--The
commission:

A. shall promulgate, amend, enforce and repeal reasonable regulations establishing minimum safety standards for the transportation of oil, hazardous liquids as defined in 49 CFR 195.2 and gas and for the design, installation, inspection, testing, construction, extension, operation, replacement and maintenance, including internal and external surveillance for pipe integrity and installation of emergency flow restricting devices, of oil, hazardous liquid and gas pipeline facilities as may be required by federal law. Safety standards shall not be applicable to oil, hazardous liquid or gas pipeline facilities in existence on the date the safety standards are adopted; provided, however, that whenever the commission upon investigation and hearing determines that an oil, hazardous liquid or gas pipeline facility is hazardous to life or property, it may require the person operating the oil, hazardous liquid or gas pipeline facility to take the steps necessary to remove the hazards. Safety regulations shall be practicable and designed to meet the need for pipeline safety. Safety rules promulgated for oil, hazardous liquid and gas pipeline facilities or the transportation of oil, hazardous liquids and gas shall be consistent with federal law and rules. Safety rules adopted hereunder shall not apply to any transportation of oil or oil pipeline facilities regulated by the federal department of transportation. Rules adopted pursuant to the Pipeline

Safety Act shall substantially conform to federal pipeline safety rules;

B. may advise, consult, contract and cooperate with any agency of the federal government or any other state in projects of common interest in the regulation of safety of oil, hazardous liquid and gas pipeline facilities and the transportation of oil, hazardous liquids and gas and administer the authority delegated to the commission by any contract with the federal government or any agency thereof;

C. may accept, receive, apply for or administer grants or other funds or gifts from public or private agencies, including the federal government, or from any other person;

D. may make investigations consistent with the Pipeline Safety Act and, in connection therewith, enter private or public property at all reasonable times. The results of investigations shall be reduced to writing if any enforcement action is contemplated and a copy thereof furnished to the operator of the oil, hazardous liquid or gas pipeline facilities investigated before any enforcement action is initiated; and

E. may require persons subject to the Pipeline Safety Act to maintain the records, file the reports and develop the plans for inspection and maintenance of oil, hazardous liquid or gas pipeline facilities as the commission

may, by rule, require for proper administration of the Pipeline Safety Act; provided, however, that the use of the term "rights of way" does not authorize the commission to prescribe the location or routing of any oil, hazardous liquid or gas pipeline facility." _____
